



(INCORPORATING VALLEY AND HARESTONE WARDS)

**MINUTES OF THE CATERHAM VALLEY PARISH COUNCIL EXTRAORDINARY
MEETING HELD ON TUESDAY 27TH FEBRUARY 2018
AT THE UNITED REFORMED CHURCH, HARESTONE HILL, CATERHAM**

Attendees: Cllr. Cherie Callender – Chairman
Cllr. Peter Roberts
Cllr. Nicole Murrigan
Cllr. Jenny Gaffney
Cllr. Yvonne Gomes
Cllr. Alun Jones
District Cllr Beverley Connolly
District Cllr. Michael Cooper
Mrs M Gibbins – Clerk

MINUTES

There were 8 members of the public in attendance. It was confirmed that the meeting would be recorded by both Cllr Jones and Cllr Roberts.

1. Apologies for absence

There were none

- 2. Declarations of Disclosable Pecuniary Interest:** To receive any disclosure by members of personal interests in matters on the agenda, the nature of any interests, and whether the member regards the interest to be prejudicial under the terms of the new Code of Conduct. Anyone with a prejudicial interest must, unless an exception applies, or a dispensation has been issued, withdraw from the meeting.
There was none declared.

The Chairman thanked everyone for attending the meeting.

Cllr Gaffney requested to explain to councillors and attendees why the meeting had been called as follows “ I just wanted to clarify the reason that we have called the Extraordinary meeting for the benefit of all the Councillors at the table and the public here as well. The reason we have called for this meeting is that we don’t believe all of the information was provided in the form of a report to enable the Council to make an informed decision with regard to the planning meeting. The outcome we are looking for is for us to be members of the planning committee so that we can fully discuss and vote on all planning applications and contribute to all of the consultations so that we can represent our residents as we have been elected to do” .

3. 3.1 Review of reports with regard to setting up the Planning Committee

Cllr Jones raised the issue that he did not consider all information had been provided to the Council prior to the December meeting and that, in his opinion, the handling of the process of setting up the Committee had not complied with the Council’s Standing Orders or the Good Councillors Guide.

Cllr Morrigan highlighted that all councillors, on election or co-option, are furnished with a copy of the Council's Standing Orders and Good Councillors Guide and should make themselves familiar with the content. It should not be therefore necessary (in her opinion) for each and every rule and Standing Order to be laid before the Council before every decision was made, because the Councillors should be aware of them already.

Cllr Jones referred to a number of Rules and Statutes and precedents. These are attached to these minutes.

General discussion ensued with comments made by all present. The issue of the current small number of Councillors and therefore the need for co-option onto Committees to avoid being inquorate was discussed. The proposed increase of number of Councillors by election which had been opposed by Cllrs Jones, Gaffney and Gomes due to election costs was raised.

It was also confirmed that when extra time has been required in order to submit comments on a planning application, due to timing issues, the Clerk has requested an extension from TDC and this is generally agreed.

Further discussion ensued regarding participation in planning committee meetings and submission of comments to that committee and it was confirmed that all comments are considered by the planning committee and then submitted to TDC in the normal manner if agreed.

Cllr Callender reported as follows:

"Discussions regarding the setting up of a Planning Committee were first brought up in November 2017 and it was agreed to defer to the following PC meeting in Dec because of the absence of Councillors.

At our December meeting, the setting up of the planning committee was discussed. The reasons for doing this was that it would allow other matters to be considered in more depth during the full Council Meeting and would also ensure that planning applications did not slip through the net, as the Planning Committee would be sitting every three weeks.

The resolution to set one up was voted on and passed with Councillors Gomes, Jones and Gaffney voting against. After the vote passed, Councillors Gomes, Jones and Gaffney made it very clear that they couldn't commit to the Planning Committee meetings.

In January the first Planning Committee sat, with Cllrs Roberts, Callender and Morrigan present. District Councillor Dorinda Cooper was in attendance. Cllr Morrigan was voted Chair with Cllr Roberts as Vice Chair.

The Planning Committee considered the various planning applications before them and made the appropriate comments to be sent on by the Clerk to Tandridge .

The full council meeting followed on from the Planning Committee. All Councillors were present at that meeting. Again Councillors Gomes, Jones and Gaffney were asked whether they could commit to Planning Meetings. They all replied they could not.

Because only three of the Councillors could commit to the Planning meetings it was decided to co-opt members on to that Committee. The reasons were three fold

- 1. Firstly to open out participation in Parish Council matters*

2. Secondly to encourage those who had already expressed an interest in serving in some role on the PC
3. Thirdly to ensure that if one of the Councillors was unable to attend that the meeting would be still be quorate and would be able to consider the planning applications before them in good time.

Three people had already expressed interest in being involved with the Parish Council if anything came up, two of whom had stood for position of Parish Councillor at the last co option round and one of whom is active in the Whyteleafe Road development.

These people were approached to see if they would consider serving on the Planning Committee and they agreed and were co opted.

SSALC comment regarding co-option:

"The Council is looking to bring experience onto the Planning Committee and not filling a casual vacancy. Any person 'co-opted' would not have voting rights in law so your Standing Orders are to that extent not material unless the Council wants to reinforce. Have you considered how you will deal with any potential conflict of interests?. Probably they should fill out a similar form to Members and be asked at each meeting if they have any interests to declare. Re their appointment the Council should agree a process and set some criteria. If people are known with the necessary expertise the Council is looking for they can be simply invited to join or can be invited to address the Council."

It should be noted that this practice is encouraged by the Good Councillors guide which states at page 31 that

"[the inclusion of non-councillors] is an excellent means of involving others ... in council work"

SETTING UP COMMITTEES -

Standing order clause 15(a) - The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary

3.2 Review of the Councils Standing Orders

Cllr Callender stated that the review of the Standing Orders will be at full council meeting and will be reviewed in May - this has to be done on an annual basis NOT necessarily at the Annual General Meeting. Cllr Jones was present at the meeting which last review and adopted the current Standing orders which are the standard template for all Parish Councils.

In reply, Cllr Jones noted that the last review had been in February of last year so strictly speaking, the review wouldn't take place within the year. This was accepted by the other members of the Council.

3.3 Update to attendees of Planning Meeting

The Chair confirmed the Committee has been set up in compliant and legal manner. Councillors Jones, Gaffney and Gomes stated at two separate Parish Council meetings that they could not commit to attendance at the Planning Committee.

This was further emphasised in Councillor Jones' case in his email of 16th February 2018 which stated

" being clear that whilst I will want to be [an attendee at the planning committee], I will not be attending all - and I will be happy for that to be documented"

The Parish Clerk has sought advice on the situation we find ourselves in, that of Councillors who want to be on the Planning Committee but are not willing to commit to attendance.

The advice is very clear and was contained in an email from Anne Bott of SALC dated 18th February 2018

It states:

“The reference to attendees concerns me the most. Whilst Members are not required to attend every meeting, there is a responsibility on any Member, who has put their name forward, to commit to attend as many meetings as possible. Otherwise the Council places the Committee at the risk of being inquorate. Additionally, if there is a formal record at the outset that a member of the Committee will not attend all meetings this could imply that they will only turn up when something interests them and the Council is endorsing their non attendance.”

It should be noted that as Councillors, Cllrs Jones, Gaffney and Gomes do not have to be on the planning committee to comment on applications and that the Planning Committee thus far has taken their comments on board and into consideration.

Any comment a Councillor wishes to make on a planning application can be submitted to the Clerk in the normal manner to be circulated to the planning committee in advance for consideration with the agenda, three clear days before the meeting.

We also have some areas of concern with Cllrs Jones and Gaffney serving on this Committee.

Whilst we value their passion and experience in Planning matters, both have repeatedly stated that they will continue to meet outside of open planning/council meetings to discuss planning applications despite having been asked by various members of the Parish Council to stop doing so.

All discussion of planning applications should, by law, be held with the Clerk present and in public.

By meeting in private, those Councillors hold the Parish Council open to legal challenge and to imputations of bias and deals done behind closed doors. Cllr Gaffney’s employment at a large developer (Croudace), only compounds this problem as she could easily be open to accusations of being influenced, by dint of her position, against other developers.

To do so risks not only the reputation of the Parish Council but also potentially public funds in defending any legal challenge. “

Cllr Gaffney refuted any allegation of bias but following considerable discussion, Cllrs Jones and Gaffney confirmed that going forward they will meet in public in, for example, a local coffee shop to counter the concerns and issues raised by the Council. It was further confirmed that any comments submitted to the committee members needed to be identifiable as to who has written them and must be submitted to the Clerk in advance of the meeting to enable them to be circulated to all members with the agenda three clear days prior to the meeting.

It was therefore confirmed that Cllrs Jones, Gaffney and Gomes will be on the Planning Committee and will confirm to the Clerk (with sufficient notice) which meetings they are and are not able to attend.

Cllr Jones stated that it had been minuted that Cllrs Roberts, Callender and Murrigan had met to walk round the various areas in and out Croydon Road where it had been

proposed that CIL monies be expended on enhanced parking enforcement and had discussed the same. At a subsequent Parish Council meeting on 13th December 2017 which Cllrs Jones, Roberts, Morrigan and Callender attended, the parking enforcement and CIL projects were discussed further. Cllr Roberts did not at that meeting formally declare a potential disclosable pecuniary interest (that he rents one of the garages on Croydon Rd from Tandridge) and took part in that discussion rather than leaving the room. All Councillors present at that meeting were aware of his renting out of those garages as he had mentioned it at the meeting and beforehand and no councillors raised the issue at the time that it could be considered a disclosable pecuniary interest.

Cllr Roberts does not have a disclosable pecuniary interest in Parish Council terms in relation to the renting of the garage as it is rented from Tandridge District Council and not from the Parish Council.

The meeting ended at 12pm